

To: Gray, Wendy[Gray.Wendy@epa.gov]
From: McFadden, Angela
Sent: Mon 2/3/2014 1:20:54 PM
Subject: FYI only - WV public hearing

----- Original Message -----

From: [Chuck Wyrstok](#)

To: [Chuck Wyrstok](#)

Sent: Sunday, February 02, 2014 8:21 AM

Subject: Please relay to your membership ~ ACTION ALERT: Public Hearing on Water Monday Feb.3;
Day of Action at the Capitol Feb 14

TAKE ACTION ~ PUBLIC HEARING ON WATER AT THE CAPITOL ~ THIS MONDAY FEB. 3RD, 5:30PM

What: Public Hearing on [SB 373](#) related to water resources protection

When: Monday, February 3rd, 5:30pm

Where: House Chambers, [State Capitol Building](#)

Who: Joint Committee on [Health & Finance](#)

Why: For legislators to hear citizen input

WV House of Delegates to Host Public Hearing on Ongoing Water Crisis

Here's your chance to speak to your legislators and fellow citizens, from a podium with a P.A. system, about how this chemical spill crisis has affected you.

This public hearing will take place in the House Chambers. House Speaker Tim Miley, D-Harrison said **"The House leadership would like to give everyone who wants input in this important legislation to have the opportunity to participate. Legislation of this magnitude should be addressed very methodically and with great care. We want to ensure that the**

final product takes meaningful steps to truly protect our state's water supply and the health of the public."

Pat McGinley, an environmental law professor at West Virginia University, said, **"The events of the last few weeks have severely damaged West Virginians' confidence in leadership provided by the Legislature, governor, and DEP."**

Sen. Chris Walters, R-Putnam said, **"This should be a deliberate, slow study process. This doesn't need to be a knee-jerk reaction. I have a pregnant wife and a three-year-old daughter -- I'm not consuming the water. I'm not cooking with it. I'm worried about my unborn child. I can't get answers."**

The spill revealed once again that porous legislation and murky assumptions about industry self-policing hinder oversight of dangerous chemicals. U.S. Chemical Safety Board investigators have found that chemical storage tanks at the Elk River site were **"very old"** and **"designed to a very old standard, without leak detection or secondary containment."**

Downstream Strategies consultant Evan Hansen said, **"This is not just about Charleston. This is not just an issue about above-ground storage tanks. This issue affects us all."**

After attempting to take contaminated water from his father's tap to decision-makers in Charleston last Thursday, Dustin White, of Boone County, was told by Capitol police to leave the Statehouse for carrying the "unidentified liquid." Bring your bad water to the Capitol steps for the hearing on Monday—they need to know what we deal with everyday. Then come inside for the Public Hearing.

Our legislators need to face the truth.

Let's hear what ***you*** have to say about this travesty. We urge as many of you as possible to come out as a show of support for stringent water protection law and no-nonsense enforcement.

After the Public Hearing there will be a Town Hall meeting at First Baptist Church on Shrewsbury St. 7-9pm.

Logistics:

Easy Parking: Perry Bryant of West Virginians for Affordable Health Care tells us:

I have confirmed with the Capital Security folks that we can park in the state employees parking lot after 5:00 pm on Monday. So if you get off the Greenbrier exit (Exit 99), go down the hill towards the Capitol building. Turn left at the light on Washington Street, Take an immediate left at the guard shack. There is metered parking (probably don't have to pay after 5 pm) slightly to the right, and unmetered parking for state employees further to the right. The state employee parking is behind a wrought iron gate. This gate will be closed (and you won't be able to get out) ½ hour after the end of the public hearing. If you park behind the wrought iron gate, do not dally after the public hearing.

While this parking has some limitations, it is significantly better than parking at the Laidley Field public parking areas on Elizabeth Street. See you Monday evening.

Attached is an information and talking points document, courtesy of Maya Nye and Angie Rosser. Here are some tips.

- Arrive ten minutes (or earlier) to sign up to speak.
- Each speaker can expect only to have 1-2 minutes to speak.
- Written comments can be submitted for the record.
- Below are some suggested talking points as a guide. Citizens are encouraged to give their own perspective, in their words, of how the government needs to better protect drinking water supplies and public health.

Citizen messaging framework:

- We deserve thorough protection from all contamination threats to our water supplies.
- The government is failing us and needs to do a better job in regulating and enforcing protections.
- We deserve to have all available government resources applied to understand and responsibly advise the public on risks and solutions to this health crisis.

Needed technical improvements to SB 373:

- Close loopholes – there are many exclusions to tanks that are regulated under the new program, these need carefully analyzed. All tanks and all additional sources of potential contamination need adequately regulated.
- Require individual permits and regular inspections for all potential significant contaminant sources within zones of critical concern for public drinking water systems.
- Require and fund development of source water protection plans that address all significant contamination threats and include full stakeholder and community involvement.
 - Assure that all pollution sources can be enforced via the Clean Water Act with provisions for citizen involvement.

Additional actions needed:

- Implementation of Chemical Safety Board Recommendations.
- Continuation of bottled water distribution to all affected communities.

- An environmentally sound and safe mechanism to flush the chemical from the water treatment plant, distribution lines, sewage systems, residences etc.
- Immediate institution of a medical surveillance program.
- Immediate studies on the short and long term effects of MCHM and its breakdown chemicals on human health.

For those who can't make it to the capitol, the hearing will be broadcast on the Legislature's "Live" page, <http://www.legis.state.wv.us/live.cfm>. Just click on the House of Delegates Chamber image. It will also be broadcast on WV Public Radio.